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GENERAL INSTRUCTIONS

TO

SPECIAL EXAMINERS

OF THE

✓ UNITED STATES PENSION OFFICE.

AUGUST 16, 1881.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
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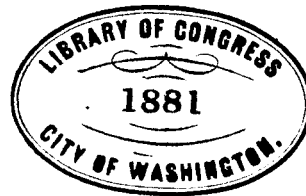
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PREFACE.

The following extract from the report of a select committee on the payment of pensions, Forty-sixth Congress, may well appear as part of the title page of these instructions:

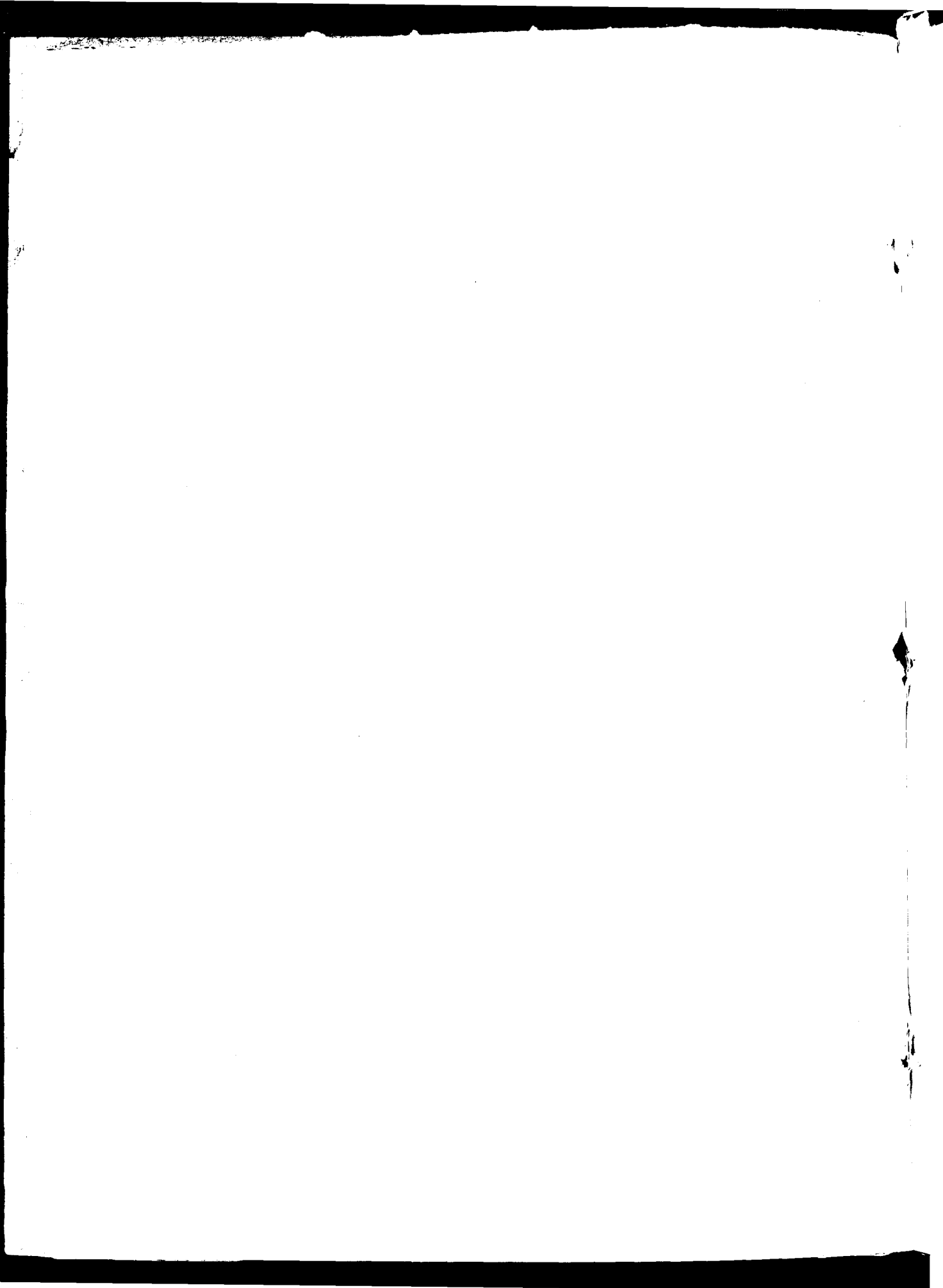
"We deprecate the necessity of investigations of a secret nature, whereby the claimant may be deprived of a title to a pension, and we recommend the practice, so far as it is possible and consistent with the interests of the government, of giving notice of an investigation involving the rights of the soldier, and an opportunity of meeting witnesses who testify against him face to face, and of producing witnesses in rebuttal."

Recognizing the fact that there have been many instances where great hardships have been occasioned by the methods of inquiry above referred to, this pamphlet of "General Instructions" has been carefully prepared with a view of eliminating from the practice of this Office every objectionable feature of the secret investigation mentioned, and also of carrying into practical effect the other recommendations embraced in the report of the committee.

The Division of Special Examinations is constituted as an aid to the other branches of the Pension Office to ascertain the real merit and justice of each case submitted for special examination. And the Examiners connected with the division should ever bear in mind that they are in no sense detectives, but are selected and detailed with a view to their especial fitness, in point of ability, experience, fairness, good moral conduct, and dignity, to go among the people and represent the Pension Office.

WM. W. DUDLEY,
Commissioner.

UNITED STATES PENSION OFFICE,
Washington, D. C., August 16, 1881.



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GENERAL INSTRUCTIONS

TO

SPECIAL EXAMINERS.

First.—These instructions are intended to allow Special Examiners a greater discretion than has formerly been permitted in the examination of claims before this Office, and their duties call for the most vigorous efforts and soundest judgment. While it is utterly impossible to prepare such a code of instructions as will cover every conceivable case that may arise, it is hoped that the Examiners will understand that they are to give the soldier, the soldier's widow, or those who are dependent upon him a free, fair, and open chance to be heard. It is the duty of the Government to ascertain who are entitled to receive pensions as provided by existing law, and Examiners are expected and required to obtain whatever facts are necessary to prevent the payment of improper pensions, and to assist in bringing to punishment those who are knowingly guilty of violating the provisions of the pension law.

Second.—Special Examiners are required to discharge the duties assigned them, and to so conduct themselves as not to bring reproach upon the Office, remembering that their mission is solely to ascertain the truth in relation to the cases entrusted to them for examination.

Third.—Special examinations, except in criminal cases, will be conducted in no way secretly, but will be free and open to all parties in interest, and any claimant or pensioner shall have the privilege of meeting his accuser face to face, and to cross-examine

all the witnesses against him. Informants should be called upon and their testimony procured, but the fact of their having had confidential correspondence with this Office relative to cases should not in any event be disclosed.

Fourth.—In the special examination of matters relative to pensions the first step preliminary to entering upon the same should be a careful consideration of the papers in the case, that the history of the party, so far as it relates to the questions at issue, may be brought fully within the knowledge of the Examiner.

Fifth.—In all cases wherein the merits of the claim are involved the Examiner will first call upon the pensioner, claimant, or party in interest, and inform him or her that he or she may appear in person or by attorney (or both), and confront any witnesses who may testify, and at the same time obtain from him or her a detailed statement, not under oath, of all points touching the basis of the claim, embodying therein the names of the witnesses he or she desires to be interviewed, and indicating whether he or she desires to accompany the Examiner during the examination, in person or by attorney; after which he will proceed to take the testimony of those to whom he has been referred, and others, having personal knowledge of the facts relative to the issue.

Sixth.—Understanding his case as so represented, and having interviewed the party in interest, and with a general idea of the field of operation, the Examiner should carefully consult a map showing the several places to be visited, and note their accessibility by the shortest and most expeditious line of travel, whether by railroad or otherwise, in order that, so far as possible, economy of time and distance may be observed in reaching parties from whom information is desired.

Seventh.—If, after calling upon the claimant or party in interest, it should appear that some of the witnesses or any of the sources of evidence are in a different part of the country, at so great a distance that the Examiner cannot procure all the facts

necessary for a proper adjudication of the case without departing farther than a reasonable distance from his indicated line of travel, or incurring too great an expense, he will conduct his examination as far as practicable under such circumstances, obtaining all possible data as a basis for a further investigation elsewhere, and then return the papers to this Office, with a full report, together with such explanation as may be necessary to show why further evidence could not be procured.

Eighth.—Each case will be accompanied by a letter specifically pointing out the direction in which inquiries are to be made, but it is not intended that the Examiner shall be confined to the specifications of the letter, or that such letter shall operate as a prohibition to a further inquiry; on the contrary, he will observe said letter as a basis only of his inquiry, and his judgment will dictate what further steps should be taken. The testimony taken he will reduce to writing, cause it to be signed by the affiant, and attach his certificate, after administering the oath.

Ninth.—The Examiner will ascertain the character and standing of witnesses and briefly embody in his report the result of his inquiries relative thereto, also stating whether there appears to be any undue bias in the mind of any witness either for or against the party in interest, setting forth the cause or motive of such prejudice in each instance.

Tenth.—Although facts rather than deductions relative to the merits or demerits of a claim are desired, the Examiner's opinion, nevertheless, is required in every case to be considered in connection with the evidence; he is, therefore, particularly cautioned against permitting bias or prejudice to exist in his own mind so as to affect in any manner an impartial and full gathering up of the facts both *pro* and *con*. Should he, however, at any time before completing the inquiry necessary to a proper examination of the case, discover that a bias or prejudice either for or against the claim has found lodgment in his mind, he should

at once return the case to the Office and inform the Chief of the Special Examination Division that such prejudice or bias exists.

Eleventh.—In all claims submitted for examination, in which persons have been corresponded with by this Office as to the merits thereof, or wherein any person has voluntarily furnished the Commissioner of Pensions any information relative thereto, such correspondence will be regarded as strictly confidential; the contents of such letters or the names of the writers, should not, under any circumstances, be made known. Such confidential correspondence touching the title to pension will have no weight as evidence for any purpose whatever, save only as a basis for a special inquiry, or foundation upon which to obtain testimony with the full knowledge of the claimant or pensioner, and in his or her presence, if so desired. Hence, such correspondence or confidential information must not be referred to in the report of the Examiner, as it cannot be allowed to weigh for or against the merits of the claim. This is not to be considered as any exception to the general rule now in force. (See paragraph 3.)

Twelfth.—Any communication made to the Examiner, whether in the form of sworn testimony or voluntary information, should not be received in confidence when it affects only the right of the party to pension. But in criminal cases, where the parties implicated may be liable to indictment and trial, information and evidence should be obtained in a confidential manner, and imparted to no person but the Commissioner of Pensions. In this connection a strict observance of paragraphs 67 and 68 of these instructions is required.

Thirteenth.—In cases where charges have been made it will be well, when possible, to ascertain the motives of such charges, whether the party or parties making them have any prejudice against the claimant; are on unfriendly terms; are the creditors of the claimant or pensioner; or are his personal or political enemies; or are in any way so influenced as to render it proba-

ble that they were induced to prefer unfounded charges. This information may be obtained from neighbors, town people, or the accusers themselves, by careful questioning.

Fourteenth.—The Special Examiner cannot be responsible for any expense incurred by any parties in interest who elect to be present during the examination, and while it is perfectly proper for the Examiner to give due notice of the time and place of taking testimony, in order to allow the party to be present in person or by proxy, yet he should make no unnecessary delay in his examination for that purpose, but, on the contrary, it is suggested that, in the event of any necessary delay, he should devote his time exclusively to making proper inquiries in the neighborhood relative to the merits or demerits of the claim under consideration, and also in regard to the character and standing of witnesses who have already testified, or to whom he has been referred. In fact it is so essential for a good Examiner to ascertain new sources of information as well as new and reliable witnesses, whose testimony he may afterwards desire, that it seems needless to suggest that the period of any reasonable delay may be very profitably improved.

Fifteenth.—When any valid claim to pension exists, the facts of the case can generally be ascertained from those who were officers and soldiers of the company and regiment in which the claimant served, and from his neighbors and acquaintances in civil life.

Sixteenth.—It is intended that no affidavit shall be exacted from a pensioner or claimant whose case is under examination, especially when it is desired solely to determine the right of the party to pension. A full statement of the claimant or party in interest should be taken, as directed in paragraph 4, and in doing so it should be written upon the blank exhibit used in taking testimony, with the obvious changes necessary to make it read as a statement made before the Examiner, and not as an affida-

vit, and should be signed by the party making it, as well as by the Examiner.

Seventeenth.—When in the examination it becomes apparent to the Examiner that parties, whose affidavits have been heretofore filed in the case, have testified to facts which, from the situation of the parties, or the nature of the circumstances, could not have been within their personal knowledge, and also as to events which did not occur, they should be seen and cross-examined.

Eighteenth.—Affidavits should be as brief as possible, but should cover all the points affecting the case within the personal knowledge of the affiant, and affiants should always be required to show the means of their knowledge of the facts deposed. Their age, occupation, and post-office address should also be stated therein.

Nineteenth.—All witnesses should be questioned carefully as to their knowledge of facts about which the information is desired, and if their statements prove material they should be embodied in an affidavit, and sworn and subscribed to before the Examiner, such authority being vested in him by section 4744 of the Revised Statutes.

Twentieth.—The Examiner should conduct his inquiries without partiality or any view to defeat or desire to establish the claim. When it is possible, he should obtain evidence from persons who are without prejudice either for or against the claimant sufficient to enable this Office to give a decision therein.

Twenty-first.—When the party on account of whose service pension is claimed is charged with having borne arms against the Government after such service, his identity with the person who served against the Government should be clearly shown. Service against the Government does not constitute a bar to pension on account of injury received or disease contracted in the service of the United States and in line of duty, provided

such service was last rendered in the Union forces. (See act approved March 3, 1877.)

Twenty-second.—In examinations relative to the soldier's death, if the same occurred from disease, the testimony of the persons who were the medical officers of the regiment will have greater weight in determining the question of origin and cause thereof, than the testimony of other persons. If the testimony of the surgeon or assistant surgeon cannot conveniently be obtained, efforts should be made to secure the testimony of other persons who were commissioned officers of the company and regiment to which the soldier belonged. If the testimony of persons of either of the classes above mentioned cannot be procured, that of persons who were comrades of the soldier should be taken. The time, place, and circumstances under which the fatal disease originated should be fully set forth so as to enable this Office to determine whether it resulted from a cause to which the soldier was necessarily exposed in the line of duty, from willful neglect or improper conduct on his part, or from other causes having no necessary connection with the service. In any case in which an inferior grade of evidence is submitted, it should be shown why better could not be obtained. From neighbors and those who employed the soldier prior to his enlistment, information can be had in regard to his physical condition before he entered the service, and whether he was then afflicted with the disease or any disability similar to that which caused his death; also as to his condition after he turned from the Army; whether he had the fatal disease at that time, or if it originated subsequently. Whenever it is practicable the testimony of physicians should be obtained upon points in which a medical question is involved, whether it relates to the origin of the disease or the connection between the disease which originated in the service and that which resulted in death.

Twenty-third.—In case the soldier has been in the service under an assumed name, his identity with the person upon whose

account the claim is made should be established by the testimony of those who knew him prior to service, under his true name, and also in the service under the assumed name. Where there were two or three of the same name in the company and regiment great care should be taken in determining the question of identity by means of personal description.

Twenty-fourth.—It is recommended to the Examiner in any case in which public officers would probably have knowledge of facts pertaining to the matter under examination, that application should be made to them for such information as they may possess; selectmen, assessors, town clerks, recorders, postmasters, and other town, county, State or United States officers will generally be found willing to communicate information for the purpose of protecting the interests of the Government as well as the rights of meritorious claimants. If such persons have no knowledge of the circumstances of the case, efforts should be made to obtain the desired affidavits from intelligent and disinterested persons other than the witnesses of the claimant and the informer.

INVALID CLAIMS.

Twenty-fifth.—The questions most frequently before the Examiner, in connection with invalid claims, relate to the following points:

- 1st. The existence or non-existence of the disability prior to enlistment.
- 2d. That the disability was or was not contracted in the military service and line of duty.
- 3d. That the disability was or was not incurred after discharge from the service, and therefore is or is not attributable thereto.
- 4th. That the disability does or does not exist in a pensionable degree.
- 5th. Whether the soldier rendered any military or naval service

prior or subsequent to that in which the disability is alleged to have been received.

6th. Whether, by intemperance or vicious habits, the degree of disability is increased.

Twenty-sixth.—If the attention of the Examiner is directed to the first proposition, he should pursue his inquiries among the intimate friends or daily associates of the claimant, who, with those by whom he was employed, should be questioned for the purpose of ascertaining the nature or extent of his labor during the period covered by the examination. If he was a minor, his school-fellows should be sought out and interviewed, and if the disability was a visible one, those with whom he bathed at times will often prove valuable witnesses. His family physician, or the one who at any time attended him professionally, should be questioned, and other sources of information pursued.

Twenty-seventh.—The soldier's immediate family and relatives should be seen and questioned. It may at times be necessary to converse with members of his company, particularly his messmates or "chums," to determine the question, though usually the existence of any serious ailment can be shown through the testimony of those first mentioned.

Twenty-eighth.—In relation to the incurrence of the alleged disability in the line of duty, the facts generally must be ascertained from members of the command with which the soldier served. The pensioner or claimant should be first seen and requested to minutely narrate the circumstances surrounding him at the time, and this statement should be confirmed or disproved by the testimony of his officers or comrades; and in case of disease the testimony of the surgeon who treated him while in the service should be obtained. The smallest item will be of value in such cases. The declaration of the person injured, made at the time and afterwards, should be carefully considered. If he was alone at the time of the occurrence, information should be

obtained in regard to the duty upon which he was engaged, and to whom and in what way the facts were first made known. In brief, a connected and minute detail of the whole matter should be reported.

Twenty-ninth.—In considering cases falling within the third proposition, the Examiner should direct his inquiries to the date of the soldier's discharge, and should carefully trace his history down to the present time, obtaining facts which will warrant a correct conclusion in the case. As in cases under the first proposition, the claimant's daily associates, employers, and fellow-laborers will be found to be the best witnesses.

If from these sources the question cannot be decided, the Examiner should direct his attention to the witnesses who originally testified in the claim. After taking their statements he should compare them with their former affidavits in the case, and if any discrepancy appears they should be asked to explain the same, denying or confirming; as the case may be, the correctness of their former testimony.

Thirtieth.—The fourth proposition can usually be determined by a medical examination ordered by this Office, though at times this question may be a fact to be determined by the inquiries of a Special Examiner, in which event a special letter of instructions will be submitted, with the papers in the case, calling attention to the points to be inquired into. However, in *any case* under investigation, if it becomes apparent to the Examiner that the disability from the cause alleged does not exist in a degree to give title to a pension, or to entitle a pensioner to the rate he is now receiving, the Special Examiner is hereby authorized to take him before any United States Pension Examining Surgeon, or Board of Surgeons, for a thorough medical examination, to determine the degree and cause of disability, and the correctness or incorrectness of any former medical examination. When such a course is pursued the Special Examiner should make out

in duplicate, sign, and deliver to the Examining Surgeon a certificate in form as follows:

"I, _____, a Special Examiner of the United States Pension Bureau, hereby certify that Mr. _____ (here enter the soldier's name and service) has, at my instance, this day been examined by Dr. _____ (or Board of Examining Surgeons at _____, as the case may be), the said examination to be used as a part of my report in claim No. _____. This certificate to be used as a voucher to the Examining Surgeon's account.

"(Signed) _____,
"Special Examiner.

"Date, _____."

Thirty-first.—If the applicant or pensioner is the subject of intemperate or vicious habits the facts are usually so notorious that no difficulty will be experienced in ascertaining them, but the Examiner should exercise care in order to obtain the testimony of reliable witnesses.

DEPENDENT CASES.

Thirty-second.—Where the Special Examiner is required to ascertain the physical condition of the father of the soldier, or the husband of the soldier's mother, in the claims of dependent relatives, he should, if possible, obtain the testimony of the family physician, or some other medical expert who has a personal knowledge of the facts in the case. Such physician should be requested to state in his affidavit the nature of the disease which caused the disability, its duration, and the extent to which it incapacitated and continues to incapacitate him for manual labor; if treated by him, at what time and for what ailment. The Examiner should be careful to ascertain the exact state of health of the father or husband during the period of the alleged dependence, to what extent during that period he was disabled for manual labor, and whether the disability has continued without interruption to the date of the examination. In addition thereto the

statements or affidavits of some of the town authorities or the neighbors of the parties may be taken to corroborate the same. And in all cases where the father or husband has performed any labor for others, the testimony of some of the employers should be obtained to show the period of his employment, the amount of work he performed, and the wages he earned.

Thirty-Third.—In claims made by mothers or minor brothers and sisters, where abandonment by the father or husband is alleged, the date of such abandonment, and all the facts of the case, showing whether he ever returned, or ever afterwards contributed to the support of claimant, should be fully ascertained.

Thirty-fourth.—If abandonment is alleged care should be taken in all cases to ascertain whether the father or husband made any contributions to his family while absent from them. Advantage may be taken, in some cases, of the necessary and customary business absence of the head of the family to prove desertion or abandonment, when in fact he may have contributed regularly to the support of his family during that period. The Examiner should be careful, in cases where the father or husband lives with his family and is not physically disabled, but where it is alleged that he neglects to provide for them, either from intemperance or for other cause, to ascertain, from neighbors or town authorities, all the facts in the case, and also whether there is any remedy to which the mother or family of the person might have resorted to compel him to support them. This information should also be obtained in cases of abandonment.

Thirty-fifth.—In all claims by dependent relatives Examiners should ascertain the amount, value, and nature of any property possessed by the claimant, or in which the claimant has any interest, and the income derived from such property; and in a father's case, the income from his actual or possible labor. In a mother's case, the amount of property possessed by her, or her husband, or both jointly, or in which they have any interest,

should be ascertained, and whether the parents have any property in bonds, bank stock, ground rent, money at interest, &c. It is only necessary to procure data as to property and income during the period of alleged dependence, and especially during the year in which the soldier's death occurred.

Thirty-sixth.—If the party or parties were at any time possessed of property and transferred the same to their children or other persons, it should be ascertained whether there was any legal obligation on the part of the person to whom the property was transferred to contribute to the support of the person making the transfer in consideration thereof.

Thirty-seventh.—However the property is situated, care should be taken to ascertain accurately what income it produces, whether it furnishes, or did furnish while the soldier lived, an adequate means of support to the family. A property worth one thousand dollars, in some places and under certain circumstances, may furnish a better support than property of twice that value differently situated. The value of real estate in all, and of personal property in many, of the States may be ascertained from the tax lists, care being taken to learn from the assessor how much below the market value property is generally assessed in the locality where the Examiner is engaged.

Thirty-eighth.—In the matter of contributions by the soldier for the support of any of his dependent relatives, it should be ascertained from neighbors, or those who employed the soldier, or from whom he made purchases, &c., whether he actually contributed to the support of such relatives, and to what extent; whether such contributions were regular or only occasional gifts, and whether the soldier in any way recognized his obligation to aid in the support of such relatives, although by reason of sickness or other cause he was actually prevented from doing so. Where it is alleged that the soldier contributed to the support of such relatives, while he was in the service, the correctness of

such allegations may be ascertained from his comrades in the Army, who knew the amount of money he received, how he expended the same, and whether he actually made any contributions. If he received no pay, or had no means of contributing, whether he expressed an intention or desire so to do. Again, such information may be obtained from those who were neighbors of the dependent relatives, who saw the money received, or heard such relatives at, or about the time of receiving the money, state that they had received contributions from the soldier. In all cases of colored dependent relatives, the Examiner should ascertain the date when the claimant and the soldier became free, and whether they lived together, or on the same plantation, prior to that date, or when they left the care and custody of their former owners.

Thirty-ninth.—Where there is a question as to the celibacy of the soldier, it should be ascertained whether he ever lived with or treated any woman as his wife; and, if so, for what period; whether a marriage ceremony of any kind uniting such persons was performed.

Fortieth.—Where the soldier was absent from the home of the dependent relative for a period of any length of time, it should be ascertained where he was during that period, and the inquiry in regard to celibacy should be pursued at the place of such absence. For the term of his service, his comrades in the Army should be examined for proof of celibacy or marriage.

WIDOWS.

Forty-first.—The principal points likely to be presented for examination in widows' claims are: First, the marriage of the claimant to the soldier—whether it was a lawful marriage, and whether the claimant was the wife (not divorced) of said soldier at the date of his death. Second, whether she still remains his

widow. Third, the dates of birth and legitimacy of any or all of the minor children of the soldier, and whether all his children, by any and all marriages, who were under sixteen years of age at the date of his death, are included in the declaration or certificate of pension. Fourth, whether the widow has abandoned any of her children by the soldier, or become an unsuitable person to have the care and custody of them by reason of immoral conduct.

Forty-second.—In the examination as to the marriage of claimant with soldier it should be ascertained whether there is any record evidence of the marriage, *i. e.*, town, church, or county record. If none, then the clergyman or magistrate who performed the marriage ceremony should be examined, and his affidavit taken, giving the time, place, and circumstances, names of witnesses, &c. If such person cannot be found, then the records of any church where children of the soldier and claimant have been baptized may be examined to ascertain whether they show that the parents were recognized or recognized each other as husband and wife. When all other forms of inquiry fail, the testimony of eye-witnesses to the marriage may be taken, giving the time, place, &c., or proof of cohabitation, showing the period of the same, the avowed relations between the parties, and whether they were considered as man and wife in the community where they lived.

Forty-third.—When the question of continued widowhood has been raised, the examination should be conducted with a view to ascertain whether the claimant, by regular ceremony, by cohabitation, or in any other manner, has performed such an act as will constitute marriage (remarriage). In case a claimant can show that her remarriage was illegal and void from the beginning, she may be restored to the rolls, but not under any other circumstances, although she may be divorced absolutely from the man with whom she had remarried.

Forty-fourth.—If pensioner or claimant has cohabited with any man since the death of the soldier, in the absence of a marriage ceremony, the Examiner should ascertain just what relations the parties maintained towards each other, how they were regarded by the community in which they lived, whether they ever openly avowed or acknowledged the relationship of husband and wife, and were so recognized by their neighbors and associates, together with the date when such cohabitation began.

Forty-fifth.—In the claim of contesting widows, examination should be carefully conducted, with a view to establish the fact as to which is the lawful widow, by ascertaining which one was first married to the soldier, and whether he was released from the first marriage by an absolute divorce, which permitted him to remarry.

Forty-sixth.—Where a question is raised in regard to minor children for whom the widow claims increase of pension, the dates of their birth should be ascertained by an examination of the public records, town or church baptismal records, by the testimony of the attending physician or midwife, or by the testimony of persons present at the time of birth.

Forty-seventh.—Where no such evidence can be obtained, the children may be taken before a medical expert, who should carefully examine them, and give his opinion as to the probable dates of their birth. The statements of the claimant and her neighbors in regard to the ages of such children should also be taken in cases where it is necessary to have such a medical examination.

Forty-eighth.—The Examiner should ascertain whether all the minor children of the soldier are included in the application or certificate for pension; also, whether any of the children for whom increase is claimed or allowed have died since the application was filed or the certificate issued, and before they became sixteen years of age.

MINORS.

Forty-ninth.—The points most frequently submitted for examination in minors' cases will probably be the legitimacy of such minors, the dates of their birth, whether all the soldier's children by all marriages are included in the application or certificate, the remarriage or death of the soldier's widow, or her abandonment of any of her children who are also the soldier's children, and whether the guardian properly applies the pension money for the benefit of the minors.

Fiftieth.—Where inquiries are made as to the legitimacy of minors, the Examiner should ascertain whether the parents were lawfully married, there being no bar to their entering into a marriage contract, and whether the children, born in wedlock or prior to marriage, were acknowledged by the soldier as his, either before or after marriage.

Fifty-first.—The instructions in regard to widows' claims apply equally in examinations of minors' claims, so far as relates to marriage, births, remarriage, or abandonment.

Fifty-second.—Where the question is as to expenditure of the pension money by the guardian, the Examiner should ascertain whether said guardian renders proper accounts to the court by which he was appointed; also whether letters of guardianship were obtained from the county in which the minors and their guardian reside.

Fifty-third.—Examiners should ascertain whether any of the minors have died since the application was made or the certificate issued. The marriage of a minor does not stop his or her pension, but said minor is entitled to a pension to the date when he or she arrives at the age of sixteen years.

COLORED CLAIMANTS.

WIDOWS AND DEPENDENT RELATIVES.

Fifty-fourth.—In claims on account of colored soldiers, wherever it is possible, the former owners or members of owners' family, and the fellow-slaves of both the soldier and the claimant should be carefully examined. More accurate and satisfactory information can generally be obtained from such witnesses than from other sources.

Fifty-fifth.—On some plantations negroes were married by a regular ceremony, and marriages and births were recorded by the planter. The Examiner should learn if such was the case in any claim in his hands. Where parties were married, while the soldier was in the service, by Army chaplains or provost-marshals, the examination should not be concluded until the former owners or fellow-slaves of the soldier and claimant have been seen and examined to ascertain if the soldier did not leave a wife or the claimant a husband at the time of his enlistment or at the date of the marriage in the service.

Fifty-sixth.—In some cases it is found that colored claimants (widows) adopt for the time being, while they are working up their claims through an attorney, children not their own, or substitute other children for those of their own who are dead, in order to obtain the increase allowed for minor children. The Examiner should in all cases make inquiry upon this point; he should see all the children for whom pension is claimed; their color may sometimes indicate whether they are the children of the soldier and the claimant, and an estimate can also be made as to their probable age.

Fifty-seventh.—In some cases it will be found, upon a careful examination, that the claimant was in no way related to the

soldier, but has been picked up by interested parties to represent the widow or some other relative.

Fifty-eighth.—Where it is found, upon interviewing the claimant, that she now resides in a different part of the country and at a great distance from the place where she resided when the soldier was living, the Examiner should inquire into the case, so far as he can, and return it to this Office, when it will be sent to a Special Examiner in that part of the country where the parties formerly resided.

Fifty-ninth.—In claims by colored persons, it will generally be necessary to call the attention of the witnesses to some important event, holiday, &c., to enable them to testify with any approach to accuracy in regard to dates. For example, a witness may be able to tell how long before or after the capture of Port Hudson, or some other important event, a marriage, birth, &c., occurred. The date can thus be established pretty accurately so far as the year is concerned, and the month and day can be ascertained by reference in a similar manner to holidays, the seasons of the year, &c.

OLD WARS.

Sixtieth.—In the examination of cases based upon wars prior to the rebellion, the principal points are *loyalty*, *sufficiency of service*, and *marriage*.

LOYALTY.

Sixty-first.—Where it is charged that the pensioner was disloyal during the late rebellion, the first object of inquiry should be to ascertain the specific acts of the person tending to show disloyalty. If no specific acts are charged, merely a general allegation of disloyalty, evidence of reliable citizens in the neighborhood where the pensioner resided during the time in which he is charged with disloyalty, bearing upon his general conduct,

and public expression of sympathy with the cause of the enemies of the Government, should be obtained. Disloyalty does not constitute a bar to pension in certain cases. (See acts March 3, 1877, and secs. 5 and 6, March 9, 1878.)

Sixty-second.—Where it appears that pensioners or persons on account of whose service and death others are drawing, voluntarily served in the rebel army after they served in the Union Army, their admissions in writing, over their own signatures, if obtained, would constitute the best evidence of that fact. Should they not admit that they so served, then testimony of reliable persons, showing whether or not they voluntarily served in the rebel army at such time, giving their means of knowing the facts, should be obtained.

SUFFICIENCY OF SERVICE.

Sixty-third.—In claims based upon the term of service, such as claims under the acts of February 14, 1871, and March 9, 1878, and in bounty-land claims where the service is a matter of inquiry, the nature and manner in which the service was rendered should form the leading subject of examination. The testimony of the soldier's comrades and of others who have personal knowledge on these points should be procured, setting forth in detail the place of enlistment, nature of duty performed, *i. e.*, whether he served as a drafted or enlisted man, or as a civil employé paid by the quartermaster, and if the service was continuous from date of enlistment to discharge, giving said dates, with their means of fixing the same. Inquiries should also be made among persons living in the neighborhood who may know of the existence of the old company rolls, records, histories, and other papers showing service by the company.

Sixty-fourth.—Frequently substitutes were furnished, and the question as to the service by claimant in person or by substitute should be determined.

MARRIAGE.

Sixty-fifth.—Where date of marriage is a subject of examination under the act of February 14, 1871, which requires marriage to be prior to February 17, 1815, to entitle a widow, the absence of all records, public, church, or family, should be accounted for, and inquiry made as to whether a marriage took place or the parties cohabited as man and wife before enlistment, taking the soldier's service as a guide to test the memory of the claimant and witnesses. Where marriage is alleged in 1815, careful inquiry is necessary to determine whether it took place before February 17 of that year.

MISCELLANEOUS.

CRIMINAL OFFENSES.

Sixty-sixth.—In all cases where inquiry discloses criminal practices upon the part of those having relations with this Office, the Examiner will avoid prominence or notoriety in pursuing his inquiries, and will take special care not to alarm the wrongdoer. He will submit a report thereof, stating succinctly what is charged, who the witnesses are, giving name, address, and occupation, and what can be proven. Immediately upon the receipt of this he will be instructed as to what further steps to take. In urgent cases he will submit all the facts to the United States District Attorney for the district wherein the offense was committed, and if satisfied of the guilt of any one, and of his ability to prove it, and he is led to believe that the party implicated intends to flee, the Examiner will procure his arrest at once, but this action should only be taken when the case is clear and conclusive. In either instance a full and immediate report of his action and the reason therefor should be made by the Examiner both to the Office and the United States Attorney.

Sixty-seventh.—Offenses by attorneys do not fall within the exceptions named. In such cases a full report will be submitted for instructions before any action has been taken by the Examiner.

Sixty-eighth.—In claims for reimbursement, filed under section 4718 of the Revised Statutes, where an attempt has been made to defraud the Government, the Examiner should pursue his inquiries as in criminal cases, being careful to determine the facts upon which all the bills are based, and how far the expenditures covered thereby were actually made. The value of property, both real and personal, owned by the decedent should be definitely shown by the testimony of neighbors and copies of the tax list, which may be obtained from the assessor. Examiners should be careful in their inquiries to first interview the relatives of the claimant and ascertain if any attorney represented the case before the Office; find out his interest in the matter, and interview such other parties as would be most likely to know the facts concerning the expenses of the last sickness and burial of the decedent, among them the family physician and those who were in attendance from time to time during such sickness.

SPECIAL INSTRUCTIONS.

REPORTS OF SPECIAL EXAMINERS.

Sixty-ninth.—To secure uniformity in the arrangement of papers attached to and statement of facts contained in the reports of Special Examiners, the following directions are given, which will be strictly observed :

Seventieth.—Reports will be written on legal cap paper and the affidavits upon the printed exhibits, furnished and arranged in the following order : First, the summary ; second, affidavits marked and arranged alphabetically, attaching the first affidavit of the person who appeared as a witness in the original claim to the one made before the Examiner ; third, an outside wrapper, properly indorsed. In submitting or referring to a former statement of

any witness in his report, the Examiner should attach the original to the back of the affidavit taken in his examination, and present them in such manner in his report.

Seventy-first.—In preparing his report, the Examiner will commence with a description of the case in hand, viz: the number (certificate or original), name of the pensioner or applicant, relationship, name of the soldier, his company and regiment, and, if an admitted claim, the agency at which the pension is paid. Then will follow a reference to the causes why special examination is made, without alluding to the names of any party or parties in correspondence or otherwise, who have voluntarily given any information in the case (see paragraph 11). Any material fact, which for any good reason cannot be submitted in the form of an affidavit, may be stated briefly in the Examiner's report. Examiners will not make a copy of any testimony or other papers on file in the case, but simply make such reference thereto as will enable this Office to refer to the same, and serve to show the reason for expressing an opinion thereon.

Seventy-first and one-half.—In an admitted case submitted for a special examination a new half face must be attached by the Examiner to the original brief, on which should be stated the pensioner's present post-office address, his service, rank, and disability, together with the purpose for which he submits it, *i. e.*, for continuance or dropping name from the rolls as per evidence and recommendation contained in his report of even date. The brief should be dated and signed by the Examiner. Blanks will be furnished for this purpose.

Seventy-second.—Only the upper half of the wrapper indorsement will be filled by the Examiner.

EXPENSE ACCOUNTS.

Seventy-third.—Accounts will be prepared upon blank forms furnished for that purpose, and, as a rule, will be rendered the

first or fifteenth of each month, though where the necessity exists, a more frequent rendition will be permitted; but, as considerable trouble is occasioned in procuring drafts from the Treasury Department, it is suggested that Examiners, so far as possible, enable this Office to certify their accounts to the disbursing clerk shortly after the dates named. In no case must accounts when due be held by the Examiner.

Seventy-fourth.—The expense accounts must be fully itemized, and Examiners are advised that unauthorized expenditures to other persons for services rendered by them to the Examiners will not be credited. If such payments are contemplated and considered necessary, a statement in relation thereto, giving the names of the persons to be employed, and the nature of the duties to be performed, must be submitted to the Office for its decision.

Seventy-fifth.—The proper accounting officers of the Treasury having decided not to allow more than twenty-five cents in each case, in reimbursement of fees paid to magistrates for their jurat upon expense accounts, Examiners are required to make that item conform thereto.

Seventy-sixth.—Examiners are entitled to reimbursement only for actual and necessary expenses, and it is the duty of this Office to give full effect to this limitation.

Seventy-seventh.—Vouchers for livery, written in ink, numbered in the order of date, and stating the places visited and the distance traveled, must accompany the account, firmly attached thereto upon the inside; otherwise the item will be disallowed.

Seventy-eighth.—*Per diem* is only paid for the time actually consumed under the instructions from this Office, and while *in transitu* under orders, and it is expected that Examiners will apply themselves diligently and continuously.

Seventy-ninth.—Drafts upon the Assistant Treasurer at New York, payable to the order of the Examiner, will be transmitted

by the Disbursing Clerk of this Department, in payment of the approved accounts, to the post-office address given by the Examiner in the margin of said account, prepared for that purpose. The Examiner will promptly acknowledge receipt thereof to the Disbursing Clerk through the Commissioner of Pensions.

Eightieth.—The letters of transmittal accompanying the account should also give full instructions as to where the return draft should be sent.

SALARY.

Eighty-first.—The salary of the Examiner is payable monthly by the Disbursing Clerk of this Department. Blank receipts will be furnished by the latter, which will be signed by the Examiner, leaving the amount blank to be filled in by the Disbursing Clerk, as it varies with the month, and drafts for the amount will be forwarded to the Examiner and his acknowledgment of its receipt will be addressed to the Disbursing Clerk and inclosed, under cover, to the Commissioner of Pensions.

Eighty-second.—Examiners are directed to make proper and judicious inquiries into any irregularity in the conduct of United States Examining Surgeons, to which his attention may be called, and report the same to this Office, together with every circumstance connected with such irregularity. They are also instructed to inquire as to any illegal or improper acts on the part of attorneys or agents in the prosecution of claims for pension, and report the same to this office immediately, by letter.

STATIONERY AND WORK SUPPLIES.

Eighty-third.—Blanks and stationery, including "penalty envelopes" and official postage-stamps, will be furnished upon the Examiner's requisition, the former for addressing persons on official business only, copies of such correspondence to be made a part of the Examiner's report in the case to which it refers, the official stamps to be used for the prepayment of postage by per-

sons addressed by the Examiner in the course of such official correspondence.

Items of expenditure for stationery and supplies, excepting ink, will not be allowed, and the Examiner is enjoined to forward his requisition in time therefor, so as not to delay the work upon which he is engaged.

DAILY REPORTS OF WORK.

Eighty-fourth.—Daily reports must be made upon the blanks furnished for the purpose. It is absolutely required that said reports be properly filled up at the close of day's work, whether the Examiner be near a post-office or not, and forwarded to the Commissioner of Pensions at the first opportunity. Non-compliance with this requirement for a longer period than five days must be explained in writing. Expense accounts will not be audited until such reports (daily), as cover the period embraced in the account, shall have been received.

Under the head of "Remarks," in their daily reports, Examiners will, in each case, submit any facts which they may obtain relative to claims believed to be fraudulent. Should the Examiner desire to make a longer statement relative to any matter than can be embraced within the space designated, he should write a separate letter, referring to the report by its date.

Eighty-fifth.—The efficiency and standing of Special Examiners will depend materially upon their knowledge of, and compliance with, the provisions of the foregoing instructions. They are therefore required to familiarize themselves fully as to the scope and meaning of each and every paragraph of the same.

H. R. McCALMONT,

Chief of Division of Special Examinations.

Approved.

WM. W. DUDLEY,

Commissioner.

PENSION OFFICE, August 16, 1881.

